

UNITED STATES DISTRICT COURT  
for the  
Eastern District of North Carolina

FILED

FEB 27 2023

PETERIA MOORE, JR., CLERK  
BY DEP CLK  
US DISTRICT COURT, EDNC

Cassandra Wright Holcomb  
*Petitioner*

v.

Case No. 5:23-HC-2017-D  
*(Supplied by Clerk of Court)*

Robert J. Jones  
*Respondent*

(name of warden or authorized person having custody of petitioner)

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

**Personal Information**

1. (a) Your full name: Cassandra Wright Holcomb  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Albemarle District Jail  
(b) Address: 210 Executive Drive South  
Elizabeth City, NC 27909
3. (c) Your identification number: 21CR5105, 21CR5501M0, 21CR550221, 21CR550230,  
21CR550231, 21CR550232  
Are you currently being held on orders by:  
 Federal authorities       State authorities       Other - explain: \_\_\_\_\_
4. Are you currently:  
 A pretrial detainee (waiting for trial on criminal charges)  
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
 Being held on an immigration charge  
 Other (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:  
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings

Other (explain): Courts jurisdiction on the Constructive Trust; Venue; Constitutional violation of due process of law; involuntary servitude, peonage; Kidnapping; violation of the 8th Amendment's right no affidavit of injured party.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Superior Court of the State of North Carolina in and for the County of Chatham.

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Jurisdiction on matters of the Constructive Trust, when the Trust was expressed on the court record. Violation of the 4th, 5th, 6th, and 8th Constitutional Amendments. My status a State Citizen, I am not a US citizen, federal or state employee, nor have I ever been.

(d) Date of the decision or action: 10/31/2022

### Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9.

#### **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes       No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10.

#### **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes       No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes       No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
(2) Case number: \_\_\_\_\_  
(3) Date of filing: \_\_\_\_\_  
(4) Result: \_\_\_\_\_  
(5) Date of result: \_\_\_\_\_  
(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes       No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
(2) Case number: \_\_\_\_\_  
(3) Date of filing: \_\_\_\_\_  
(4) Result: \_\_\_\_\_  
(5) Date of result: \_\_\_\_\_  
(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes       No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_  
(b) Date of the removal or reinstatement order: \_\_\_\_\_  
(c) Did you file an appeal with the Board of Immigration Appeals?

Yes       No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_  
(2) Case number: \_\_\_\_\_  
(3) Result: \_\_\_\_\_  
(4) Date of result: \_\_\_\_\_  
(5) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

Yes       No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
(2) Date of filing: \_\_\_\_\_  
(3) Case number: \_\_\_\_\_  
(4) Result: \_\_\_\_\_  
(5) Date of result: \_\_\_\_\_  
(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes       No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_  
(b) Name of the authority, agency, or court: \_\_\_\_\_  
  
(c) Date of filing: \_\_\_\_\_  
(d) Docket number, case number, or opinion number: \_\_\_\_\_  
  
(e) Result: \_\_\_\_\_  
(f) Date of result: \_\_\_\_\_  
(g) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE: Jurisdiction**

Creste Due Vie Trust was expressed and on court record.

I am not a US citizen, under the 14th Amendment. I am a State Citizen, with all rights under the Constitution.

- (a) Supporting facts (Be brief. Do not cite cases or law.):

This is a matter of equity, for which the lower courts do not have jurisdiction over. The lower courts have already admitted on court record and transcript that they do not have jurisdiction over these matters but continue to hear the case.

- (b) Did you present Ground One in all appeals that were available to you?

Yes  No

**GROUND TWO: Constitutional due process of law.**

- (a) Supporting facts (Be brief. Do not cite cases or law.):

No affidavit of injury has been provided, and I have not had the opportunity to face my accusers, firsthand.

Therefore, if there is no injury there is no crime.

- (b) Did you present Ground Two in all appeals that were available to you?

Yes  No

**GROUND THREE: The Constructive Trust.**

The lower courts have violated their responsibility as Trustee, to protect my heirship of the Trust.

- (a) Supporting facts (Be brief. Do not cite cases or law.):

The lower courts have violated their responsibility as Trustee, to protect my heirship of the Trust.

- (b) Did you present Ground Three in all appeals that were available to you?

Yes  No

**GROUND FOUR:** Violation of my right to substantive and procedural due process.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Procedure law was not followed during discovery and production of evidence was not produced that would have proven my innocence. I have kept very detailed records of my children, proving the claims created by DSS and testimony provided were perjured.

(b) Did you present Ground Four in all appeals that were available to you?

Yes  No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

The case is ongoing at this point, and appeal has not become an option.

#### Request for Relief

15. State exactly what you want the court to do: Assume jurisdiction of this matter; issue an order directing respondent to show just cause why the Writ of Habeas Corpus should not be granted; referment within three days; speedy remedy as applicable law; order issued for my immediate release; and settlement of all claims; award petitioner all reasonable costs; any other relief this court deems just and proper.

Memorandum with attached affidavits notarized & received by Chancery County Sheriff Chief Deputy John McArthur and ~~not~~ to date I have not received them. It is my opinion that they were destroyed.

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

February Twentysecond 22, 2023

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 02/22/2023

*Cassandra Wright Holcomb*

Signature of Petitioner

*Signature of Attorney or other authorized person, if any*